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media item

OLC

78-0900/5

MEMORANDUM FOR: Anthony Lapham, General Counsel
John McMahon, Deputy Director for Operations
Robert Gambino, Director of Security

25X1 FROM : [] Acting Legislative Counsel

SUBJECT : Reporting Unauthorized Disclosures of
Intelligence Information to the Attorney
General (U)

25X1 1. [] As you know, Section 1-707 of EO 12036
appears to obligate senior Intelligence Community officials
to bring serious or continuing breaches of security to the
25X1 attention of the Attorney General. I understand that a
new revision of [] will instruct
all Agency components to report information on serious
or continuing security breaches to OGC for consideration of
referral to the Attorney General.

25X1 2. [] The DCI's recent expression of great concern
to Senate Select Committee on Intelligence Chairman Birch
Bayh (D., Ind.) over the possible unauthorized disclosure
of a particularly sensitive matter has prompted an investigation
by the Senate. The exchange of correspondence on this
subject is attached. I am concerned that we have not
also brought the matter to the attention of the Attorney
General as required by Section 1-707.

25X1 3. [] DDO agreed that the disclosures involved
were serious enough to warrant the DCI's initiative vis-a-vis
the Senate, but I am told that the Directorate may not think
the matter grave enough to be brought to the Attorney General's
attention. I recognize that highly sensitive operational
matters are involved, and that there certainly are practical
limitations to what a referral to the Attorney General
will accomplish, but I believe that failure to act in accordance
with Section 1-707 with regard to both the Epstein book and the
New York magazine article after having specifically raised
one aspect of the issue with Chairman Bayh places the Director
in an untenable position.

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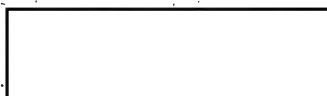
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4. [] I think that as a general proposition, any apparent unauthorized disclosure serious enough to be the subject of a DCI expression of concern to the Congress should also warrant referral to the Attorney General under Section 1-707. I believe, therefore, that it would be beneficial for us to work out procedures for insuring appropriate handling of possible security breaches having both congressional and Section 1-707 implications.

Attachment



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